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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,505	12/18/2003	Lennox E. Reid JR.	20.2896	1504

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EXAMINER

COLLINS, GIOVANNA M

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,505

Applicant(s)

REID ET AL.

Examiner

Giovanna M. Collins

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11, 12, 14-24, 26 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11, 12, 14-24, 26 and 35-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the phrase "the invention relates to" is improper for the abstract. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3,5,6,11-12,14-24, 26,35-39 and 41 are rejected under 35 U.S.C.

103(a) as being unpatentable over Cornelius 2,594,292 in view of Hampton 2083062 and Kinnear 2251679.

Referring to claims 1, 14, 20-21, and 35, Cornelius discloses (figs. 2 and 8) a sidewall coring tool, comprising: a tool body (16); a hollow coring shaft (163) extendable from the tool body; a formation cutter (166) disposed at a distal end of the hollow coring shaft, and a retention member (167). Cornelius does not disclose the retention member is elastic or defines a substantially planar contiguous surface. Kinnear teaches (fig. 4) an elastic retention member (at 41) constructed of rubber (page3, col. 1, lines 1-12) that improves retaining samples from soft formations (page 3, col. 1, lines 29-40). Hampton teaches (figs. 1-3) a core retainer with 3 petals (5) that are adjacent and that bends to receive a core and in a second position defines a substantially planar contiguous surface (at 20, page 2, col. 1, lines 3-6) in order to help carry the load of a soft formation core. As it would be advantageous to improve retaining samples from soft formations and to have a planar surface to help support the load of the core, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the tool disclosed by Cornelius to have an elastic retention member and a substantially planar contiguous surface in view of the teachings of Kinnear and Hampton.

Referring to claims 2-3, 38-39, Cornelius discloses internal sleeve (173,172) and a retention member (167) is connected to a distal end of the internal sleeve.

Referring to claims 5 and 41, Cornelius discloses a radial notch (at 170) in sleeve element (172) such that petal of a retention member can be positioned radially outward into the notch...

Referring to claim 6, Cornelius discloses a retention member (167) has a petal circumference substantially the same as an inner diameter of the internal sleeve (at 172).

Referring to claim 11, Cornelius discloses an inner diameter (diameter at area around 172 in fig. 8) of the internal sleeve that is substantially the same as an inner diameter of the cutter (166).

Referring to claim 12, Cornelius discloses an inner diameter (at area around element 169 in Fig. 8) of the internal sleeve that is larger than an inner diameter of the cutter (166).

Referring to claims 15-19, Hampton teaches the petals (5) overlap (when edge at 8 is beveled, page 1, col. 2, lines 53-55), are separated by slits (along edges of petal) and have circumferential perforations (at 3 on element 2, page 1, col. 2, lines 10-13) disposed outside a petal circumference and radial perforation (at 23) disposed inside a petal circumference.

Referring to claim 22, Hampton teaches the retention member is rounded (at 13) and extrudes towards a distal end (edge 8 when beveled is toward the distal end, page 1, col. 2, lines 53-55) of a hollow coring shaft.

Referring to claim 23, Hampton teaches the retention member is rounded (at 13) and extrudes (petal 5 directed toward the proximal end) towards a proximal end of a hollow coring shaft.

Referring to claim 24, Cornelius discloses a method for taking a core sample comprising extending a coring bit (166) into a formation, the bit having a retention member (167); receiving the core sample in the coring bit and retaining the core sample in the coring bit with the retention member while withdrawing the coring bit from the formation (col. 9, lines 9-20). Cornelius does not disclose the retention member is elastic or has a substantially contiguous surface. Kinnear teaches (fig. 4) elastic retention member (at 41) improves retaining samples from soft formations (page 3, col. 1, lines 29-40). Hampton teaches (fig. 2) a retention member with a plurality of petals (5) that forms a substantially contiguous planar surface prior to and after receiving the core to help support the core in the retainer (page 2, col. 1, lines 1-13. As it would be advantageous to improve retaining samples from soft formations and to have a planar surface to help support the load of the soft formation core, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the method disclosed by Cornelius to have an elastic retention member with a plurality of petals that forms a substantially planar contiguous surface prior to and after receiving the core in view of the teachings of Kinnear and Hampton.

Referring to claim 26, Cornelius discloses the retention member (167) is connected to an internal sleeve (172,173) and the core sample is received in the internal sleeve.

Referring to claims 36-37 Hampton teaches each of the petals (5) includes at least one edge (at 7) that defines the petal and abuts the edge of a second of the plurality of petals.

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2. Claims 4 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornelius 2,594,292 in view Kinnear and Hampton as applied to claims 1 and 35 above, and further in view of Deely 2490512.

Cornelius does not disclose the sleeve is non rotating. Deely teaches (see fig. 1) a coring tool with a non rotating internal sleeve (at 16). Deely teaches the nonrotating sleeve help to minimize disintegration of the core particularly in soft formations (col. 1, lines 18). As it would be advantageous to minimize disintegration of the core, it would be obvious to one of ordinary skill in the art at the time of the invention to further modify the tool disclosed by Cornelius, as modified by Hampton and Kinnear, to have a non rotating internal sleeve in view of the teachings of Deely.

Response to Arguments

Applicant's arguments with respect to claims 1-6,11,12,14-24,26 and 35-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna M. Collins whose telephone number is 571-272-7027. The examiner can normally be reached on 6:30-3 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Giovanna M. Collins
Patent Examiner
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